

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)


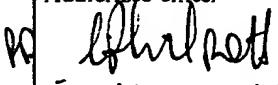
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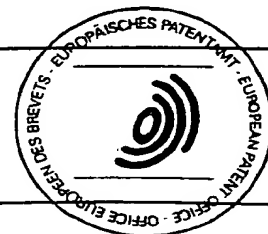
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Applicant's or agent's file reference 71107/PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 00/ 01732	International filing date (day/month/year) 05/05/2000	Priority date (day/month/year) 08/05/1999
International Patent Classification (IPC) or national classification and IPC B67D1/00		
Applicant IMI CORNELIUS (UK) LIMITED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This **REPORT** consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consists of a total of 1 sheets.
3. This report contains indications relating to the following items:
- I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 09/11/2000	Date of completion of this report 31.08.01
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer  E. KIRSCHBAUM



I. Basis of the report

1. This report has been drawn up on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*

☒ the international application as originally filed

☐ the description, pages
pages
pages
as originally filed
filed with the demand
filed with the letter of

☐ the claims, Nos.
Nos.
Nos.
Nos.
as originally filed
as amended under Article 19
filed with the demand
filed with the letter of

☐ the drawings, sheets / fig.
sheets / fig.
sheets / fig.
as originally filed
filed with the demand
filed with the letter of

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.
☐ the drawings, sheets / fig.

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2 (c)).

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Claims	1-15	YES
	Claims		NO
Inventive Step	Claims	1-15	YES
	Claims		NO
Industrial Applicability	Claims	1-15	YES
	Claims		NO

2. Citations and Explanations

1. In WO 91/17948 (D1) there is disclosed a beverage dispenser comprising a housing containing a diluent valve and a plurality of concentrate valves (285), each valve having its own inlet and outlet, all the outlets leading to a single dispense nozzle (283), see in particular Figures 1 and 16. It is also disclosed in D1 that flow controls (287) are provided for each concentrate valve and that flow "washers" - which term should apparently read "watchers" - are provided for the diluent valves, see page 11, lines 10 and 11, but no further details are given. As a matter of course, such a dispenser must comprise a controller and a setting mechanism to open and close each valve, the controller operating the setting mechanism whereby one concentrate valve and a diluent valve may be opened to dispense a particular beverage.

The essence of the invention defined in claim 1 is considered to consist in that the flow rates through the opened valves are sensed and that the sensed values are used to control the degree of opening of those valves to achieve a predetermined diluent to concentrate ratio for the beverage mixture in the dispense nozzle. This technique is already known from EP-A-0 313 384 (D2). It would be obvious to a skilled person to use the same technique also in a dispenser according to D1 and thus to arrive at a dispenser comprising all the essential features of claim 1. Thus claim 1 does not appear to meet the requirement of Article 33(3) PCT.

2. The further features specified in dependent claims 2-15 do not appear to add any matter of inventive merit to the subject-matter of claim 1. They are to a large extent known from D1 or D2 or the further documents cited in the search report. With regard to claim 9 attention is drawn to the paragraph bridging pages 36 and 37 of GB-A-2 298 935. As far

as some features are not comprised in the revealed prior art, they are considered to come within the normal design possibilities of a skilled person.